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6/02/2006 7590 01/22/2010 DISNEY ENTERPRISES, INC C/O BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,192

Applicant(s)

WATSON ET AL.

Examiner

SON P. HUYNH

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-16, 18-35, 37, 41-48, 52-58 and 72-169 is/are pending in the application.
- 4a) Of the above claim(s) 43-48, 60, 62, 64-68 and 130-133 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-16, 18-35, 37, 41, 42, 52-59, 61, 63, 72-129 and 134-169 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 4-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-129, 134-169 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's argument regarding obviousness to combine the references (pages 30-31), Applicant is respectfully referred to question of obviousness of claimed subject matter involving a combination of known elements in KSR, KSR Int'l v. Teleflex, Inc., 127 S. Ct. 1727 (2007), explains:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. Sakraida [v. AG Pro, Inc., 425 U.S. 273 (1976)] and Anderson's-Black Rock.

In addition for the issue of obviousness, the Supreme Court has stated that "the obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation." KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727,

1741 (2007). Further, the Court stated "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." KSR, 127 S. Ct. at 1739. "One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent's claims." Id. at 1742.

Claims 43-48, 60, 62, 64-68, 130-133 have been withdrawn.

Claims 1-3, 17, 36, 38-40, 49-51, 69-71 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-129, 134-169 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 4, 10, 18, each recites "...signal data is capable of being decoded and said packetized movie data analyzed for completeness of transmission utilizing said forward error correction codes (FEC codes)", which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Paragraph 0012 US 2007/0186266 A1(Publication of the instant application), paragraph 0012 merely describes "the packets may be coded with FEC code. Any packets of data that were not received in the first attempt of transmission will be received with subsequent broadcasts or reconstructed from received packets by using the FEC data.

Claims 26, 30, 37, 41, 52, 56, 59, 72, 83, 88, 91, 95, and 98, each recites feature "broadcasting packetized movie data software, and metadata encoded onto....without modification..., assembling said data signal utilizing forward error correction codes (FEC codes...incrementally decoding and assembling said packetized movie data at said set top box utilizing forward error correction (FEC codes) to results in a plurality of", which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Paragraph 0012 US 2007/0186266 A1(Publication of the instant application), paragraph 0012 merely describes "the packets may be coded with FEC code. Any packets of data that were not received in the

first attempt of transmission will be received with subsequent broadcasts or reconstructed from received packets by using the FEC data.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 124-125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 124 depends on itself.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-16, 18-35, 37, 41-42, 52-59, 61, 63, 72-77, 79-129, 134-169 rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) in view of Weaver, III, et al. (US 2002/0015496) and further in view of Shimomura et al. (US 6,473,858).

Regarding claim 4, Hunter discloses a method of wirelessly broadcasting a movie to a set top box (broadcast movie to user station wirelessly, wherein the user station in form of a DBS (or cable) system "set top box" - see include, but not limited to, figure 11, paragraphs 128, 138-139), the method comprising:

wirelessly broadcasting movie data, the broadcasting including transmitting the television signals to a set top box of a remote user using television transmitters or broadcast towers such that the signal data is capable of being decoded and the movie data analyzed for completeness of transmission and the set top box capable of storing and assembling the movie data utilizing a digital processor executing instructions received, at least in part, from the data signal resulting in content forming at least one full movie and associated metadata, so that the movie data broadcast to the set top box, after full assembly, is further capable of being analyzed based at least in part on the associated metadata, and so that the at least one full movie is viewed based at least in part on analysis of the associated metadata and in response to a user's selection of the at least one full movie (wirelessly broadcasting movie data in movie(s) to the user station and movie data of movie(s) is capable of being stored and assembled movie data with title, time, header information, etc. at the user station to form at least one movie and associated data such as title, header information, etc.; the title, header information, etc. associated with a movie is analyzed and used for selection of a movie to view by a user/customer- see include, but not limited to, figure 11, paragraphs 0128, 0138-0139, 141, 143-144, 147-151).

Hunter is silent about movie data is broadcast as packetized movie data, the packetized movie data is incrementally assembled. Ha remote user using Hunter also silent about packetized data encoded onto standard television signals utilizing forward error correction codes (FEC codes and transmitting the standard television signals to a receiver of a remote user using existing television transmitters or broadcast towers, the packetized data are analyzed using the forward error correction codes (FEC codes).

Weaver discloses wirelessly broadcast packetized movie data (wirelessly broadcast content packets including video, audio, etc. - par. 0018-0020), packetized movie data is capable of being incrementally assembled to form at least one full movie (content packets is recompiled/reassembled into original data -see include, but not limited to, par. 0018) and associated metadata (information that allow the content to be realized, selected, and/or reassembled such as packet ID, tag information, time, title, etc. - see include, but not limited to, par. 0018,20, 25, 39, 65-66), the packetized movie data, after full assembly, is capable of being analyzed based on at least in part on the associated metadata, the movie data is viewed based at least in part on the analysis of the metadata and in response to user's selection of the at least one full movie (see include, but not limited to, par. 0018-20, 25, 50, 0065-0068, figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter with the teaching as taught by Weaver in order to yield predictable results such as to improve efficiency data transmission.

Shimomura discloses data encoded onto standard television signals utilizing forward error correction codes (FEC codes) and transmitting the standard television signals to a receiver of a remote user using existing television transmitters or broadcast towers, the data are analyzed for completeness of transmission using the forward error correction codes (FEC codes), and incrementally assembling the data utilizing a digital processor executing instructions receive, at least in part, from the data signal resulting in content forming at least one full movie and associated metadata, so that the data broadcast to the receiver, after full assembly, is capable of being analyzed based at least in part of the associated data (see include, but not limited to, figures 2-8, code 3, lines 51-59, col. 4, lines 1-5, col. 7, line 44-col. 8, line 52, col. 9, lines 5-16, col. 10, lines 7-60, col. 13, line 62-col. 14, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Hunter with the teachings as taught by Shimomura in order to yield predictable results such as to use existing devices for transmitting content (col. 10, lines 19-23) thereby reduce the cost.

Regarding claim 101, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 4. Weaver further discloses the wireless broadcasting comprises datacasting (figure 7, par. 0037). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter with the teaching as further taught by Weaver in order to yield predictable results such

as to provide multiple services in a signal thereby improve efficiency in data transmission.

Regarding claim 102, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 101. Weaver further discloses the datacasting comprising transmitting the packetized movie data via terrestrially broadcast standard television signals (see include, but not limited to, figure 7, paragraphs 0021, 0037-0038, 0063) See also: Shimomura: col. 10, lines 8-45).

Regarding claim 103, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further discloses transmitting a media asset such as advertisement, web page, etc. over a network to be integrated for viewing with packetized movie data (see include, but not limited to, Hunter: figure 11, paragraphs 0150, **0153**, 0158-0159; Hunter: par. 0037, 0047, 0048, 0050, 0064-0065; Shimomura: col. 10, line 61-col. 11, line 19).

Regarding claim 104, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 103. Hunter in view of Weaver and Shimomura further discloses the network comprise the Internet (see Hunter, figure 11; Weaver: figures 1-2,7; Shimomura: figure 7).

Regarding claim 5, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further discloses the packetized movie data broadcast to the set top box, after being full assembly, is further capable of being viewed upon or after agreement to charge the user a fee for viewing the at least one full movie (see include, but not limited to, Hunter: par. 128, lines 30-43, par. 147-150, 154; Weaver: par. 0039, 43, 51, 0065).

Regarding claim 6, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further the movies are available to the customer over a period of time (par. 0141), and the movie remains in storage for a minimum period of time, say one week, regardless of "traffic" through the storage device (par. 0144). Inherently, the associated metadata comprises information such as time stamp which determine begin and end dates for permitted movie viewing (e.g. begin date is begin of "one week" and the end date is the end of "one week"). (see also: Shimomura: col. 15, lines 28-36)

Regarding claim 7, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further discloses the at least one full movie selected by the user is available for viewing for a limited of time (e.g. 24 hour —see Hunter: par. 0161 or see Weaver: 0046).

Regarding claim 8, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further discloses the movie selected by the user is available for viewing for a limited number of times (e.g. three plays – Hunter: par. 0161).

Regarding claim 9, Hunter in view of Weaver and Shimomura discloses the method as discussed in the rejection of claim 102. Hunter in view of Weaver and Shimomura further discloses “re broadcasting movie data previously broadcast to ensure that the at least one full movie is received” (e.g. release movies are transmitted every 30 minutes from 5:30 pm to 8:30 pm, and several other times daily – Hunter: paragraphs 0119, 0139, 0213-0216). As a result, the set top box (user station) receives full movie. Weaver discloses the movie data is packetized as discussed in the rejection of claim 4.

Regarding claim 10, Hunter discloses a method of wirelessly broadcasting movies to a set top box (discussed in the rejection of claim 4), the method comprising:

wirelessly broadcasting movie data to a set top box for automatic storage on the set top box of the movie data and assembly of the movie data to form a plurality of full movies (see discussion in the rejection of claim 4 and par. 0139);

making selected movies available for viewing at a time based on one or more factors including: programming stored in the set top box, signal information assembled from the movie data or a combination thereof (e.g., making selected movie available for viewing at a time based on one or more factor such as at the time the recordings are

available, or storage level, or time set by content provider – see include, but not limited to, par. 0139, 0141-0142, 0144, 0161);

effecting removal of the movie data representing one or more movie stored on the set top box at a later time based on one or more factors including: programming stored in the set top box, signal information assembled from the movie data or a combination thereof (effecting removal of the movie data representing one or more movie stored on the set top box at a later time based on one or more factors including: storage is full, or time period (e.g., one week) is expired, etc. - see include, but not limited to, par. 0139, 0141-0144, 0161).

Limitations that correspond to the limitations of claim 4 are analyzed as discussed in the rejection of claim 4.

Regarding claims 105-108, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed with respect to rejections of claims 101-104.

Regarding claim 11, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 106. Hunter in view of Weaver and Shimomura further discloses the broadcast provider controls downloading of movie into the storage device, and controls the available time of the downloaded movies (see Hunter: par. 0139 or Weaver: par. 0017). A skilled person in the art can select any time before making the stored movie available depend on the capability and characteristics of the transmission medium,

device limitations, times, operator's desire. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter in view of Weaver and Shimomura to include storing the packetized movie data for a particular movie at any time period such as at least one day, before making the movie available for viewing so long as the time desired is limited to the capability and/or characteristics of the transmission medium and/or device limitations and/or operator desire to improve efficiency of movie services.

Regarding claim 12, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 106. Hunter in view of Weaver and Shimomura further discloses packetized movie data for a particular movie comprises audio and video to from the particular movie and associated metadata (see Hunter: par. 0065, 0144, lines 23-31; Weaver: par. 0017-0018, 0025, 0068).

Regarding claim 13, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 12. Hunter in view of Weaver and Shimomura further discloses the particular movie comprises new release (Hunter: par. 0013) and the claims feature of "the associated metadata includes the official release date for the new release" is broadly met by the time/date indicates the availability of the recorded movies for playback— see include, but not limited to, Hunter: par. 0013).

Regarding claim 14, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 106. Hunter in view of Weaver and Shimomura further discloses the packetized movie data is broadcast to the set top box using standard files transfer protocols (e.g. MPEG-2, Hunter: par. 0121; Weaver: par. 0021, 0037).

Regarding claims 15-16, the additional limitation as claimed corresponds to the additional limitation as claimed in claims 9, 5 respectively, and are analyzed as discussed with respect to the rejection of claims 9 and 5.

Regarding claim 18, Hunter discloses a method of wirelessly broadcasting movie content to a set top box (user station), the method comprising:

selectively broadcast data wirelessly to a set top box for assembly into video content and associated metadata (data are selected and automatically downloaded to storage module of user station by content provider and/or system operator via wireless network i.e. satellite, the data are arranged into video content and associated metadata such as header information, program title, time, etc. – par. 0065, 0073, 0075, 0076, 0139, figures 11-14, 23);

remotely effecting availability of the video content so that the video content is viewed at a time based on one or more factors including: programming stored in the set top box, the metadata associated with the particular video content or a combination thereof (see discussion in the rejection of claim 10, wherein "remotely" is read on user using remote control or content provider or operator alerts the customer that the

recordings are available (par. 0139, par. 0147) or certain new release movie is designated to remain in storage for minimum period of time regardless of traffic through the storage (paragraph 0144, lines 23-31) ;

remotely effecting removal of the video content stored after assembly on the set top box at a later time based on a variety of factors including at least one of: programming stored in the set top box, the metadata associated with the particular video content or a combination thereof (see discussion in rejection of claim 10, wherein "remotely" is read on using remote control by user or control by content provider/operator.)

The limitations that correspond to limitations of claim 4 are analyzed as discussed in the rejection of claim 4.

Regarding claim 109, the additional limitations that correspond to the additional limitations of claim 101 are analyzed as discussed in the rejection of claim 101.

Regarding claim 19, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses permitting selecting a time to view the video content during an available access time (permitting user selecting a recorded movie on the list to view on television set (32) when the movie is available (not been removed/deleted or after alert "You've got flicks" or within limit date or within limit number of plays– Hunter: figure 11, par. 0013, paragraph 0151, paragraphs 0139, 0144, 0161; Weaver: paragraphs 0046, 0043).

Regarding claim 20, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses wherein payment for viewing of the video content is made through a wireline (e.g., telephone line or cable - see include, but not limited to, Hunter: figure 11, par. 0156; Weaver: par. 0039, 00430063).

Regarding claim 21, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses Hunter further discloses selectively broadcasting data comprises determining the packetized data to be broadcast wirelessly to the set top box (content provider/broadcaster controls content sent to users -see include, but not limited to, Hunter: figure 11, par. 0139-par. 0142; Weaver: paragraphs 0017-0021).

Regarding claims 22, 110 and 111, the additional limitations that correspond to the additional limitations of claim 102-104 are analyzed as discussed in the rejections of claims 102-104).

Regarding claim 23, Hunter teaches a method of content management for a remote hardware device (user station), the method comprising:

collecting content to be transmitted to a remote hardware device (collecting movie data such as new release movies, very popular movie, user interest movie, to be transmitted to the user station – paragraphs 0012- 0013, 0139);

generating metadata specifying various properties of the content (generating header information, price, scheduling data, designated time for movie to be remain in the storage, catalogs, etc. for the movie – par. 013, 0144, lines 23-31 figure 11);

associating the metadata with the content (associating scheduling data, price, designated time for movie to remain in the storage, etc. with the movie – figures 11-12, par. 0013-0014, paragraph 0144, lines 23-31);

transmitting the content data and its associated metadata to the remote hardware device (transmitting the movie data and its price, scheduling data, etc. to the user station – figures 11, 15, par. 0061, paragraphs 0139, 0144, lines 23-31, paragraph 0145);

transmitting software for operating on the remote hardware device to process the metadata and manage the content according to its associated metadata including assembly of the metadata and content (transmitting software for operating on the user station to process metadata such as scheduling data, price data, header information, etc. so that the movie associated with the selected data to be playback/recorded, the movie is selected to received based on its ID header information, or movie is selected to remain in storage based on designated time regardless of traffic through the storage – par. 0065-par. 0075, par. 0139, paragraph 0144, lines 23-31, 0153).

The limitations that correspond to the limitations of claim 4 are analyzed as discussed in the rejection of claim 4. Shimomura further discloses selectively filtering broadcast signal to identify and collect packetized data utilizing FEC codes (see include, but not limited to, col. 13, lines 4-37, line 50-col. 14, line 50).

Regarding claims 112-115, the additional limitations that correspond to additional limitations of claims 101-104 are analyzed as discussed in the rejections of claims 101-104.

Regarding claim 24, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 113. Hunter further discloses the customer is alerted that the recordings are available (par. 0139). The movie data is recorded with a limited date (par. 0161, paragraph 0144, lines 23-31). Thus, the metadata comprises information indicating a time to make content data available and time to remove content data from the hard device so that the cue is displayed when the recording is available and when the content is oldest content, less likely to be purchased content, or the designated time to remain the content in storage is expired. Also see - Weaver: par. 0046, 0043).

Regarding claim 25, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 9, and are analyzed as discussed with respect to the rejection of claim 9. Weaver discloses content data transmitted in packets as discussed in the rejection of claim 4.

Regarding claim 26, Hunter teaches a method for providing movies available for purchase or rental through broadcast communication (figure 11), the method comprising:

- broadcasting movie data software to a set top box and allowing the movie data to accumulate on the hard drive (figure 11, par. 0138-par. 0139);

- transmitting software to the set top box (see include, but not limited to, par. 0153- software has to be transmitted to set top box before it is stored in the set top box), the software being adapted to: automatically store the movie data (figure 11, par. 0139, par. 0083);

- assembling the movie data broadcast into a plurality of viewable movies and associated metadata (forming the list of available movies so that the user can select an associated information to view the movie - par. 0083-par. 0089, par. 0148);

- analyzing the metadata to determine a time a movie should be made available (analyzing header information to indicate alerts to customer that the recordings are available – par. 0139, par. 0147, par. 0161, or designated time to remain content in the storage (paragraph 0144, lines 23-31). Also see discussion in rejection of claim 10);

- allowing the user to select at least one of the plurality of viewable movies if available (par. 0139, par. 0147-par. 0151, 0161).

Limitations that correspond to limitations in claim 4 are analyzed as discussed in the rejection of claim 4. Shimomura further discloses broadcasting data software, and

metadata encoded onto standard television signals using existing television transmitters or broadcast towers without modification (broadcasting station broadcast data software and associated information to receivers without modifying the data software and associated information such as title, description, FEC code, etc. - see include, but not limited to, col. 7, line 44-col. 8, line 53, col. 10, lines 15-46, col. 18, lines 40-67).

Regarding claims 116, the additional limitation that correspond to the additional limitation of claim 101 are analyzed as discussed in the rejection of claim 101.

Regarding claim 27, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 116. Hunter in view of Weaver and Shimomura further discloses the movies are to be available for a limited time (e.g. 24 hours, one week, etc.) and thereafter are essentially to be removed (Hunter: par. 0144, par. 0161; Weaver: par. 0046; or Shimomura: col. 15, lines 28-35).

Regarding claim 28, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 116. Hunter in view of Weaver and Shimomura further discloses the movies are to be encrypted to limit availability in at least one of the following respects: being copied multiple times, being viewed more than once, or being viewed or copied other than if condition access is provided (see Hunter: par. 0138, lines 20-21; par. 0150, par. 0163; Weaver: paragraphs 0045-0046).

Regarding claim 29, the additional limitation as claimed corresponds to the additional limitation as claimed in claim 102, and are analyzed as discussed with respect to the rejection of claim 102.

Regarding claims 117-118, the additional limitations that correspond to the additional limitations of claims 103--104 are analyzed as discussed in the rejections of claims 103-104.

Regarding claim 30, the limitations of the method of creating a digital home movie library that correspond to the limitations of the method for broadcasting movies in claims 10 and 26 are analyzed as discussed with respect to the rejection of claims 10 and 26. Furthermore, Hunter in view of Weaver and Shimomura also discloses receiving packetized movie data wirelessly broadcast to at least one set top box (see Hunter: figure 11, par. 0139; Weaver: figure 2-8; par. 0017, 0018, 0025) and making the one or more movies available via the set top box for a time period managed at least in part by software executed by the at least one set top box (see include, but not limited to, Hunter: figure 11, par. 0139, 0144, 0161; Weaver: par. 0043, 0046, 0057, 0068; Shimomura: col. 11, line 50-col. 12, line 10).

Regarding claims 31-35, the limitations as claimed correspond to the limitations as claimed in claims 27-29, 20-21 respectively, and are analyzed as discussed with respect to the rejections of claims 27-29 and 20-21.

Regarding claims 119-121, the additional limitations that correspond to the additional limitations of claims 101, 103-104 are analyzed as discussed in the rejection of claims 101, 103-104.

Regarding claims 37, Hunter discloses a method of distributing movies comprising:

broadcasting movie and associated data capable of being used to assemble at least one full movie to a set top box wirelessly prior to an official release date for the at least one full movie, the associated data for regulating the release date of the at least one full movie on the set top box (see include, but not limited to, figure 11-16, par. 0139, 0144, 0161 wherein official release date is interpreted as the date the recorded movie is available for viewing, the associated metadata is interpreted as header information, title, time, price, etc. that are used to arrange, maintain the content data and indicating existing of movie in order for the content to be selected to view or to be maintained or removed from the storage);

automatically storing the movie and associated data to the set top box hard drive (see include, but not limited to, par. 0139, 0144, 0161);

assembling and analyzing the associated data to determine a time the at least one full movie should be available for viewing (see include, but not limited to, par. 0139, 0144, 0161);

permitting viewing of the at least one full movie on its release date (par. 0139, 0144, 0161).

The limitations that correspond to the limitations of claim 4 and 26 are analyzed as discussed in the rejection of claims 4 and 26.

Regarding claims 122-125, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claim 41, Hunter discloses a digital home movie library system for providing access to movies comprising:

- antenna (antenna 24 and tuner(s) in the user station (228)) for receiving movie data and metadata via wireless broadcast signal – figure 11, paragraphs 0128-0129, 139, 144, 161);

- a hard drive for storing the received movie data and received metadata (storage module 230 – see include, but not limited to, figure 11, par. 0128-0138 and discussion in the rejection of claim 23); and

- a processor (CPU/CODEC) for executing software to process the received data and to process user input command, the processor permit access to the stored movie data under conditions based at least in part on the metadata, the movie data, the software, or any combination thereof (see include, but not limited to, figures 2, 11, par. 0128-0139, par. 0144, 0161).

Limitations that correspond to the limitations of claims 4 and 30 are analyzed as discussed in the rejections of claims 4 and 30.

Regarding claims 126-129, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claim 42, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 127. Hunter in view of Weaver and Shimomura further discloses a modem (see Hunter: figures 4, 11) permit electronic billing for access to the library.

Regarding claims 52-59, the limitations that correspond to the limitations of claims 4-5, 7-8, 10, 15-16, 18 are analyzed as discussed with respect to the rejection of claims 4-5, 7-8, 10, 15-16, 18.

Regarding claims 134-145, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claims 61 and 63, the limitation that correspond to the limitations of claims 56, 54, and are analyzed as discussed with respect to the rejection of claims 56, 54, wherein "wireless telecommunication over a television frequency spectrum" is read on satellite or wireless communication over television frequency spectrum in wireless communication (Hunter: figure 11 or Shimomura: figures 1-6); and "without interaction

by a user" is read on automatically without interaction of user at user station/set top box (par. 0139).

Regarding claims 72-75, the limitations that correspond to the limitations in claims 4-5, 7, 9, 26, and are analyzed as discussed with respect to the rejection of claims 4-5, 7, 9, 26.

Regarding claims 146-149, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claim 76, Hunter further discloses modem (87- figure 4 or billing module 240/Internet access interface 235 – figure 11) reads on the claimed modem, wherein the feature of "periodical permit contact with the content provider" is met by video distribution system operator periodically receives viewed-content information for billing (par. 0103, lines 16-19) See also: Shimomura: figure 7.

Regarding claim 77, Hunter further discloses information passed between the content provider and the set top via the modem includes at least one of a user's viewing/rental history, access information used for billing purposes, keys used to decrypt videos (figures 10-11, par. 0103).

Regarding claim 79, Hunter further discloses the hard drive in the set top box stored pay per view program and the CPU of the set top box controls the operation of a hard drive (figures 4, 11, par. 0128). It is obvious to one of ordinary skill in the art that hard drive is physically mated with the set top box structure to render it useless for its intended storage purpose if removed for use apart from the set top box in order to reduce unauthorized use.

Regarding claim 80, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses the packetized stored on the set top box is encrypted, and upon or after video content to view and satisfaction of business rules, remotely permitting the set top box to decrypt the packetized video data and play the video content (see include, but not limited to, Hunter: paragraphs 0128,0138,0150; Weaver: paragraphs 0043, 0046, 0057).

Regarding claim 81, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses the packetized video data is capable of being decrypted by electronic keys on the set top box based at least in part on the current status (Hunter par. 0079-par. 0083, 128; Weaver: figures 6-8; par. 0045,0057).

Regarding claim 82, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 109. Hunter in view of Weaver and Shimomura further discloses

logging a decryption of a video content and using the log to determine a user's bill (Hunter: par. 0089-par. 0096; par. 0061; Weaver: paragraphs 0043,0057, 0068).

Regarding claim 83, the content provider controls when to download the movies and associated information to the set top box at receiving side (paragraph 0139); the movies is stored in storage device until the content provider controls to download new movies to the storage device. Certain movies in high demand within the customer primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage device (paragraph 0144). Thus, the content provider inherently wirelessly transmits metadata (e.g., information in new movie to be downloaded or information used to maintain the movie in storage for a period of time, say one week, regardless of traffic through the storage) to a set top box (i.e. set top box 228- figure 11), the metadata being associated with content data previously having been wirelessly transmitted and stored on the set top box, the metadata being utilized by the set top box to determine a time, along with one or more factors including programming stored in the set top box, to delete the stored content data (information is used to determine at time to delete oldest content, delete content that less likely to be purchased, or information to identify content to be deleted after a minimum period of time, say one week, regardless of the "traffic" through the storage).

The limitations that correspond to the limitations of claims 4 and 26 are analyzed as discussed in the rejection of claims 4 and 26.

Regarding claims 150-153, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claim 84, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 151. Hunter in view of Weaver and Shimomura further discloses the metadata comprises a date on which the set top box is authorized to initiate deletion of the packetized content data (e.g. after minimum period of time, say one week, for certain movie that remain in the storage with designated time period of one week regardless of the traffic through the storage or the date the new movie is transmitted to replace to oldest movie stored in the storage at the set top box (Hunter: paragraphs 0139, 0144; Weaver: 0043, 46; Shimomura: col. 15, lines 28-35).

Regarding claim 85, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 151. Hunter in view of Weaver and Shimomura further discloses the content data previously stored on the set top box is wireless transmitted remotely from the content provider (see include, but not limited to, Hunter: paragraphs 0139, 0141 figure 11).

Regarding claim 86, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 151. Hunter in view of Weaver and Shimomura further discloses the content data previously stored on the set top box is loaded without being wirelessly

transmitted remotely from the content provider (e.g., DVD or a storage device – Hunter: paragraphs 0012, 129, 0139, 0141, 0143, 0161).

Regarding claim 87, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 151. Hunter in view of Weaver and Shimomura further discloses deletion of content is not depend on a desire to make room for new content (overwrite the less likely to be purchased movies **ahead** of those recordings (independent of making room) which, by analysis at module 340, show more promise of being viewed by the customer – Hunter: paragraph 0144, lines 23-27; Shimomura: col. 15, lines 28-35), or certain new release movies is designated to remain in the storage for a minimum period of time, say one week, regardless of the “traffic” through storage module – Hunter: paragraph 0144, lines 28-32 or after a allow number of times, or allow period - see Hunter: 0161; or see Weaver: 0046).

Regarding claim 88, Hunter discloses the content provider controls when to download the movies and associated information to the set top box at receiving side (paragraph 0139, 0144, 0161); the movies is stored in storage device until the content provider controls to download new movies to the storage device. Certain movies in high demand within the customer primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the “traffic” through storage device (paragraphs 0144, 0161). Thus, Hunter inherently discloses the method of

remotely deleting content from a set top box (deleting content in the set top box by content provider or operator) comprising:

composing an instruction to delete movie content data previously stored on a set top box for movie formed from movie content data having a movie score in a particular range(e.g. composing designated time to remain the movie of the set top box, composing information for new content to be downloaded, or instructions to indicate number of time the movie is allowed to be played – paragraphs 0139, 0144, 161); and wirelessly transmitting metadata including the instruction to the set top box, the set top box having logic therein to assemble the instruction from the metadata, interpret the instruction and execute the instruction (transmitting associated information including designated time of certain movie to store in the storage regardless of the traffic, and as a result, the certain content is deleted based on interpreted designated time regardless of the “traffic” through the storage or number of times the stored video allowed to be played – paragraphs 0139, 0144, 0161).

Limitations that correspond to limitations of claims 4 and 26 are analyzed as discussed in the rejection of claim 4 and 26.

Regarding claims 154-157, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claims 89-90, the additional limitations as claimed correspond to the additional limitations as claimed in claims 85-86, and are analyzed as discussed with respect to the rejection of claims 85-86.

Regarding claims 91-94, the limitations as claimed correspond to the limitations as claimed in claims 83-86, wherein the limitation "to delete the content" correspond to "to make the content unavailable to a user", and are analyzed as discussed with respect to the rejection of claims 83-86.

Regarding claims 158-161, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claim 95, Hunter discloses a method for displaying available movies stores on a set top box (paragraph 0151, 139), comprising:

- receiving a plurality of movies in form of wirelessly transmitted movie data (paragraph 0139);

- receiving a plurality of sets of metadata, each of the sets of metadata being associated with one of the plurality of the movies, the plurality of sets of metadata being received in the form of wirelessly transmitted metadata (receiving ID header information of the movie, title of the movie, designated time to remain certain movie in the storage

regardless of the traffic, catalog of the movie, type of content, etc. – paragraphs 0139 – 0148);

assembling the plurality of sets of metadata from the wirelessly transmitted metadata (see discussion in the rejection of claim 26);

Hunter further discloses identifying the selected movies (i.e. popular movies, new release movie, user interested movies,) to be downloaded to the storage, provide a cue to alert user that certain movie is available so the user can selected to watch – paragraph 0139, or identifying the oldest movie, less likely to be purchased movies to removed/deleted from the storage, or identifying certain movie to remain in storage using designated time period (paragraph 0144), listing menu of available movies on the screen (paragraph 0151). Inherently, each of the sets of metadata must be analyzed to determine a time, using the metadata along with one or more factors including programming stored in the set top box to display a particular movie associated with the particular set of metadata in a listing of available movies to be displayed for viewing in a user interface associated with the set top box so the user can select the movie to watch.

Limitations that correspond to limitations in claims 4 and 26 are analyzed as discussed in the rejections of claims 4 and 26.

Regarding claims 162-165, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

Regarding claims 96-97, Hunter in view of Weaver and Shimomura discloses a method as discussed in claim 163. Hunter in view of Weaver and Shimomura further discloses the particular set of metadata comprises is a date on which the set top box is authorized to display the particular movie (e.g. the date or time within one week period designated to remain the certain movie in the storage regardless of the traffic through the storage-paragraph 0144, lines 23-32, par. 0161. Inherently, during this period, the set top box is authorized to select the movie to display).

Regarding claim 98, the limitations that correspond to the limitations of claims 95-97 are analyzed as discussed with respect to the rejection of claims 95-97. Hunter further discloses selecting and providing popular movies, user interested movies, new release movies, etc. with associated data such as designated time period to remain certain movie in the storage device (paragraphs 0139 –0148). Thus, a pre-determined criteria and metadata (e.g. associated information of popular movie, new release movie, designated time to remain certain movie in storage, etc.) is established and composed so the desired movie is identified and displayed;

wirelessly transmitting content associated with the metadata to the set top box so that the metadata is capable of being assembled and analyzed to determine if the predetermined criteria is met for particular content (e.g. wirelessly transmitting new release movie, popular movie, user interested movies) to the set top box and storing

and/or displaying particular content according to header information, time, title, etc.
(figure 11, paragraphs 0139 –0148, 0161).

Regarding claims 99-100, the limitations as claimed correspond to the limitations as claimed in claims 96-97, and are analyzed as discussed with respect to the rejection of claims 96-97.

Regarding claims 166-169, the additional limitations that correspond to the additional limitations of claims 101-104 are analyzed as discussed in the rejection of claims 101-104.

8. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) and Weaver and Shimomura as applied to claim 76 above, and further in view of Dodson et al. (US 6,184,877).

Regarding claim 78, Hunter in view of Weaver and Shimomura discloses a system as discussed in the rejection of claim 75. Hunter further discloses a processor (CPU) plays a video and reacts to signals from a remote control (figures 4, 11, par. 0072-par. 0076), and activity modem (modem 87, figure 4, or modem 650 –figure 23). However, Hunter does not specifically disclose simultaneously plays a video and reacts to signal from a remote control.

Dodson discloses the processor (e.g. controller) simultaneously plays a video (video being displayed on the TV) and reacts to signals from a remote control (remote control 206), and modem activity (internet interface 106) – see figures 1, 1-8, col. 2, line 46-col. 3, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Hunter to incorporate the teaching as taught by Dodson in order to yield predictable results such as to immediately provide additional information to the user (col. 1, lines 40-55), and allow user to simultaneously watch the program and additional information on the same screen.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimomura et al. (US 6,526,580) discloses broadband data broadcasting service.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

